

EXHIBIT 9

Ryan Meltzer

From: Jonathan Mitchell <jonathan@mitchell.law>
Sent: Tuesday, February 7, 2023 12:34 AM
To: M. Carter Crow
Cc: Gene P. Hamilton; Layne E. Kruse; Paul Trahan; Ryan Meltzer
Subject: Re: Lowery v. TAMU - Conference Letter re Motion to Dismiss

Thanks Carter. I don't think we need to confer about any of this, but we do agree with you that we cannot sue the university itself under 42 U.S.C. § 1981 or 42 U.S.C. § 1983, because neither of those statutes abrogates state immunity or subjects state entities (as opposed to individual officers) to suit. We tried to make this clear in our first amended complaint (see paragraphs 58 and 65).

We respectfully disagree with your remaining contentions and will stand on our current pleading.

—Jonathan

On Jan 31, 2023, at 4:29 PM, M. Carter Crow <carter.crow@nortonrosefulbright.com> wrote:

Jonathan and Gene,

Please see the attached letter sent pursuant to the Court's Local Rules regarding our intention to file a motion to dismiss the amended complaint. Please let us know if you would like to confer regarding any of the issues identified in the letter.

Thanks,
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<Lowery.pdf>

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